

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

CITY OF CHICOPEE, Acting through the  
Chicopee Public Schools,  
Plaintiff

v.

DAVID T. As Parent and next friend of  
Kaitlyn T. and MASSACHUSETTS  
DEPARTMENT OF EDUCATION,  
Defendants

**Case No: 04-30087-MAP**

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Now comes the Plaintiff, City of Chicopee, Acting through the Chicopee Public Schools, ("Chicopee") and respectfully requests that this Honorable Court grant summary judgment in its favor relative to its Complaint for Judicial Relief. Pursuant to F.R.C.P. 56(c), summary judgment is appropriate in this case since there are no genuine issues as to any material fact and the Plaintiff is entitled to judgment as a matter of law. See *Frankina v. First National Bank of Boston*, 801 F.Supp. 875, 879 (D. Mass. 1992).

In support of this motion, Chicopee directs the Court's attention to its Memorandum in Support of Motion for Summary Judgment, Exhibit A to the Memorandum, and the extensive record of the underlying Bureau of Special Education Appeals hearing.

FOR PLAINTIFF, CITY OF CHICOPEE  
ACTING THROUGH THE CHICOPEE  
PUBLIC SCHOOLS

**CERTIFICATE OF SERVICE**

I certify that this document has been served  
upon all counsel of record in compliance with  
F.R.C.P., on November 19, 2004.

/s/Claire L. Thompson  
Claire L. Thompson

By /s/Claire L. Thompson  
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